

The Kraft Heinz Company's Response to United States Environmental Protection Agency's Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), PROTECO Site, Peñuelas, Puerto Rico dated December 21, 2001 ("Requests")

Each response by The Kraft Heinz Company (hereinafter "Company") to the Requests shall be subject to the general objections set forth herein, whether or not such objection is incorporated expressly into each response. The Company reserves the right to make changes to the responses, if, at any time, if more complete information is discovered. The Company will supplement these responses if any additional, responsive information is obtained by its investigation.

1. The Company objects to each of the Requests to the extent that they allege or infer that the Company arranged for the disposal or treatment of hazardous substances at the PROTECO Superfund Site in Penuelas, Puerto Rico (the "Site") which were released at the Site and caused EPA to expend monies to respond to the release.

2. While it is the Company's objective to respond comprehensively to EPA's information requests, the responses below are based upon, and therefore necessarily limited by, records still in existence and information presently recollected and thus far learned in the course of preparing these responses. Star-Kist Caribe, Inc. ("Star-Kist Caribe") is the entity that is alleged to have sent hazardous waste to the Site. Star-Kist Caribe's operations at the Facility ceased in May 2001, nearly twenty years ago. As set forth herein, in or about May 2002, the Puerto Rico Industrial Development Corporation purchased all of the shares of Star-Kist Caribe from Star-Kist Foods, Inc. ("Star-Kist Foods"), which was the sole shareholder of Star-Kist Caribe. In December 2002, H.J. Heinz Company, the sole shareholder of Star-Kist Foods, sold Star-Kist Foods (described in greater detail below) to Del Monte Corporation subject to a certain Agreement and Plan of Merger dated June 12, 2002. In 2015, H.J. Heinz Company ("H.J. Heinz") changed its name to Kraft Heinz Foods Company, and through a series of mergers, Kraft Foods Group Inc. merged into Kraft Heinz Foods Company. Kraft Heinz Foods Company is 100% operational subsidiary of The Kraft Heinz Company.

Aside from H.J. Heinz being the parent company of Star-Kist Foods who was the parent company of Star-Kist Caribe during the relevant time period, the passage of time and the transactions briefly discussed above significantly limit the information and documents available to the Company to respond to the Requests. Moreover, the Requests were received and this response submitted during the pandemic of 2020-2021. Despite its diligent efforts, the pandemic and the government imposed restrictions have severely hindered the Company's investigation and ability to search for available documents that are responsive or may assist in providing responses to the EPA's requests. In this regard, the Company's efforts are continuing and its search and review of potentially available documents have not been completed as of the deadline for this response. As such, the Company reserves the right to amend, supplement or otherwise make

changes to the response if, at any time, additional information is discovered and/or obtained by its investigation.

3. As set forth above, Star-Kist Caribe is alleged to have sent hazardous substances to the Site. H. J. Heinz, the parent company of Star-Kist Foods who was the parent company of Star-Kist Caribe during the relevant time period, did not send and/or arrange for the disposal of any hazardous substances or hazardous waste at the Site. Moreover, by responding to these Requests, the Company in no way admits any responsibility, liability or obligation, legal or otherwise, for any obligations of either Star-Kist Foods or Star-Kist Caribe and/or their acts or omissions.

4. By responding to these Requests, the Company in no way admits that Star-Kist Caribe arranged for the disposal of hazardous substances which were released at the Site.

5. The Company denies that it has any liability for any injury to the Site and reserves and does not waive any and all rights and/or defenses it may have. If it is determined that the Company has any liability for any injury to the Site caused by or related to hazardous substances or hazardous waste sent to the Site, a reasonable basis exists for such harm to be apportioned, as set forth in *Burlington Northern & Santa Fe Railway Co. v. United States*, 179 S. Ct. 1879 (2009).

6. The Company objects to these Requests to the extent that they are vague, overly broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous wastes allegedly transported to the Site, and/or liability for any such hazardous substances or waste, seek information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seek information concerning the activities of entities unrelated to the Company.

7. The Company's responses are without waiver or admission of any kind and with full reservation including all rights, claims and defenses it has or may have.

8. The Company will provide documents responsive to the Requests discovered as of the date of this response within its possession, custody or control under separate cover.

RESPONSES TO REQUEST FOR INFORMATION

1. Answer the following questions regarding the Company:
 - a. State the correct legal name and mailing address for the Company;
 - b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company; and
 - c. Identify the state/commonwealth and date of incorporation of the Company and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different.

RESPONSE:

- a. The Kraft Heinz Company, One PPG Place, Pittsburgh, Pennsylvania 15222

- b. President: Not Applicable
Chief Executive Officer: Miguel Patricio
Chairman of the Board: Alexandre Behring
 - c. The State of incorporation of The Kraft Heinz Company is Delaware. Date of incorporation is February 8, 2013, and address for service of process is 1209 N Orange St, Wilmington, DE 19801
2. State the corporate history of Star-Kist Caribe, Inc., including all name changes and mergers. List all names under which Star-Kist Caribe, Inc. has operated and has been incorporated. For each other name identified, provide the following information:
- a. Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
 - b. Names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
 - c. Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of that other company.

RESPONSE: Star-Kist Caribe was incorporated in the State of Delaware on March 3, 1959. Effective June 26, 1980, Star-Kist Caribe merged with Starkan, Inc., a wholly owned subsidiary, with the name of the surviving corporation being Star-Kist Caribe. Effective July 25, 1980, Star-Kist Caribe merged with Borinquen Manufacturing Co., also a wholly owned subsidiary, with the name of the surviving corporation being Star-Kist Caribe. Effective August 31, 1998, Star-Kist Caribe merged with Star-Kist Reunion, Inc., with the name of the surviving corporation being Star-Kist Caribe. The operations of Star-Kist Caribe were terminated in or about May 2001. In 2002, the shares of Star-Kist Caribe were sold to Puerto Rico Industrial Development Corporation ("PRIDCO"). Pursuant to the Stock Purchase Agreement, PRIDCO changed the name of Star-Kist Caribe to Puerto Rico Investment Development Corporation in May 2002. At all times from incorporation (1959) to the sale to PRIDCO in 2002, Star-Kist Caribe was a wholly owned subsidiary of Star-Kist Foods. From 1963 to 2002, Star-Kist Foods was a wholly owned subsidiary of H.J Heinz.

- a. As set forth above, Star-Kist Caribe's operations were terminated in May 2001 and the shares of Star-Kist Caribe were sold to PRIDCO in 2002.
- b. See responses above.
- c. See responses above.

3. Identify all changes in ownership relating to Star-Kist Caribe, Inc. from its date of incorporation to the present, including the date of any ownership change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. In your identification of any corporation, it is requested that you provide the full corporate name, the state/commonwealth of incorporation, and all fictitious names used/held by that corporation.

RESPONSE: See response to Request No. 2 above.

4. For each owner that is a subsidiary of another corporation identified in your answer to Request #3, above, please provide a chart that details the corporate structure from that other company through all intermediary entities to the ultimate corporate parent. For **purposes of this information request, the term “ultimate corporate parent”** means the corporate entity that, while owning or controlling the majority of the shares of common stock in a subsidiary corporation, is not primarily owned/controlled by another corporation.

RESPONSE: Star-Kist Foods, the sole shareholder and corporate parent of Star-Kist Caribe, was a wholly owned subsidiary of H.J. Heinz from 1963 to 2002.

5. Provide copies of Star-Kist Caribe, Inc.’s authority to do business in Puerto Rico. Include all authorizations, withdrawals, suspensions, and reinstatements.

RESPONSE: Despite the diligent search of historical records in the Company’s possession, custody or control pertaining to this Request, copies of Star-Kist Caribe, Inc.’s authority to do business in Puerto Rico during its operations at the Facility were not found. If such information is discovered, the Company will supplement this response.

6. State the dates during which Star-Kist Caribe, Inc. owned, operated, or leased any portion of the Facility, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

RESPONSE: See responses above. Upon information and belief, Star-Kist Caribe owned the Facility. As set forth above, Star-Kist Caribe’s operations at the Facility ceased in or about May 2001 and all of its shares were purchased by PRIDCO in 2002. Pursuant to the Stock Purchase Agreement, PRIDCO changed the name of the Star-Kist Caribe to Puerto Rico Investment Development Corporation.. The ownership, operation or leasing of the property after PRIDCO’s purchase of the shares of Star-Kist Caribe from Star-Kist Foods in 2002 is unknown.

7. Describe the current and past business relationship between the Company and Star-Kist Caribe, Inc.

RESPONSE: See responses above. Star-Kist Caribe from 1959 to 2002 was the wholly owned subsidiary of Star-Kist Foods who was a wholly owned subsidiary of H.J Heinz from 1963 to 2002.

8. Describe any asset purchase agreements whereby some or all of the assets of Star-Kist Caribe, Inc. were sold to any other entity, including the date(s), the companies involved, and the terms of such asset purchase agreement(s).

RESPONSE: The Company objects to this Request as overly vague, broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous waste that were allegedly sent to the Site and/or liability for any such hazardous substances or waste, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, in 2001, Star-Kist Caribe sold certain property to Mayaquez Water and sold the Guanajibo Ward property to Alfredo Archilla Quizon and his wife. Also, in or about August 2000 and upon information and belief, certain assets of Star-Kist Caribe were sold to Impress Metal Packaging Holdings, B.V. and/or its affiliates. The Company is continuing its investigation and reserves the right to supplement this response.

9. State the corporate history of Star-Kist Foods, Inc., including all name changes and mergers. List all names under which Star-Kist Foods, Inc. has operated and has been incorporated. For each other name identified, provide the following information:
 - a. Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
 - b. Names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
 - c. Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of that other company.

RESPONSE: The Company objects to this Request as overly vague, broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous waste that were allegedly sent to the Site and/or liability for any such hazardous substances or waste, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, in 1917, the French Sardine Company was incorporated in California and, in 1953, changed its name to Star-Kist Foods Inc. See response to Request No. 23 regarding corporate transaction involving Star-Kist Foods in 2002.

10. Identify all changes in ownership relating to Star-Kist Foods, Inc. from its date of incorporation to the present, including the date of any ownership change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. In your identification of any corporation, it is requested that you provide the full corporate name, the state/commonwealth of incorporation, and all fictitious names used/held by that corporation.

RESPONSE: The Company objects to this Request as overly vague, broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous waste that were allegedly sent to the Site and/or liability for any such hazardous substances or waste, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, see responses above, including response to Request No. 2.

11. For each owner that is a subsidiary of another corporation identified in your answer to Request #10, above, please provide a chart that details the corporate structure from that other company through all intermediary entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" means the corporate entity that, while owning or controlling the majority of the shares of common stock in a subsidiary corporation, is not primarily owned/controlled by another corporation.

RESPONSE: See responses above, including response to Request No. 2.

12. Provide copies of Star-Kist Foods all authorizations, withdrawals, suspensions, and reinstatements.

RESPONSE: The Company objects to this Request as overly vague, broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous waste that were allegedly sent to the Site and/or liability for any such hazardous substances or waste, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Moreover, without definitions for "authorizations, withdrawals, suspensions and reinstatements", this Request is not susceptible to a response. Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found. If such information is discovered, the Company will supplement this response.

13. State the dates during which Star-Kist Foods, Inc. owned, operated, or leased any portion of the Facility, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

RESPONSE: Upon the information and belief of the Company, Star-Kist Foods did not own, operate or lease any portion of the Facility. The Company reserves the right to amend, supplement or otherwise make changes to this response if additional information is discovered and/or obtained by its investigation.

14. Describe the current and past business relationship between the Company and Star-Kist Foods, Inc.

RESPONSE: See responses set forth above.

15. Describe any asset purchase agreements whereby some or all of the assets of Star-Kist Foods, Inc. were sold to any other entity, including the date(s), the companies involved, and the terms of such asset purchase agreement(s).

RESPONSE: The Company objects to this Request as overly vague, broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous waste that were allegedly sent to the Site and/or liability for any such hazardous substances or waste, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, please see response to Request No. 23 below.

16. Identify all meetings and communications that the officers, directors, or employees of Star-Kist Foods, Inc. participated in or attended regarding the operations of the Facility.

RESPONSE: The Company objects to this Request as overly vague, broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous waste that were allegedly sent to the Site and/or liability for any such hazardous substances or waste, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections and except as otherwise referenced herein, no responsive information has been found. If such information is discovered, the Company will supplement this response.

17. Identify any employees, officers, or directors of Star-Kist Foods, Inc. who participated in discussions or other communications regarding any decision pertaining to disposal of waste materials from the Facility.

RESPONSE: The Company objects to this Request as overly vague, broad, burdensome, not reasonably calculated to lead to information concerning hazardous substances or hazardous waste that were allegedly sent to the Site and/or liability for any such hazardous substances or waste, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without

waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found, except as referred to in response to Request No. 19 below. If additional information is discovered, the Company will supplement this response.

18. State whether any officers or directors of Star-Kist Foods, Inc. approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose of wastes from the Facility. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found, except as referred to in response to Request No. 19 below. If additional information is discovered, the Company will supplement this response.

19. Indicate whether any reports discussing waste disposal practices at the Facility were ever received by officers or directors of Star-Kist Foods, Inc. If your answer to this Request is in the affirmative, indicate (i) when such reports were received, (ii) who the originator of such reports was, (iii) who such reports were directed to, and (iv) the content of such reports. If such reports are in your possession or control, submit copies of such reports to EPA.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, the May 1, 2002 Stock Purchase Agreement provided for the remediation of the property prior to a date certain. Beyond the remediation of the property as provided for in the Stock Purchase Agreement and upon a diligent search of historical records pertaining to the Request, no further responsive information has been found. If additional information is discovered responsive to this Request, the Company will supplement this response.

20. In *Sasportes v. M/V Sol de Copacabana*, 1976 U.S. Dist. LEXIS 15546 (D.C.Z. 1976) and *Sasportes v. M/V Sol de Copacabana*, 581 F.2d 1204 (5th Cir. 1978), Star-Kist Foods, Inc. claimed to hold a maritime lien against a Spanish corporation's (Navexport) ship. Navexport and Star-Kist Caribe, Inc. were parties to agreements giving rise to the maritime lien. Both the district court and the Fifth Circuit Court of Appeals treated Star-Kist Caribe, Inc. and Star-Kist Foods, Inc. as the same entity. Please provide the following information regarding this litigation:

- a. Copies of the abovementioned agreements between Navexport and Star-Kist Caribe, Inc.;
- b. A detailed description of the outcome of the above-referenced litigation and the ultimate disposition of the proceeds of the judicial sale of Navexport's vessel. In particular, identify which Star-Kist entity (Star-Kist Caribe, Inc. or Star-Kist Foods, Inc.) received the proceeds of the judicial sale; and
- c. A description answering why Star-Kist Foods, Inc. (and not Star-Kist Caribe, Inc.) claimed to hold a maritime lien against Navexport's ship even though it was apparently Star-Kist Caribe, Inc. that had entered into contractual agreements with Navexport.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. The Company also objects to the extent the Request, specifically but not limited to (c) above, seeks legal arguments or conclusions, and/or expert opinions or conclusions and/or seeks information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, or immunity. Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found. If such information is discovered and subject to the objections set forth above, the Company will supplement this response.

21. According to an audit of Star-Kist Caribe, Inc. financial statements, in approximately 1997, Star-Kist Caribe, Inc. reduced its operation in Puerto Rico drastically, transferring approximately \$24,650,000.00 in property and equipment related to its can manufacturing operations to Star-Kist Foods, Inc. (approximately \$17,000,000 of it) and to another affiliate, Mani Can Corporation (approximately \$7,650,000 of the remainder). Provide all documentation regarding this reduction in operation and transfer of property and equipment.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. The Company also objects to the extent the Request seeks legal arguments or conclusions, and/or expert opinions or conclusions and/or seeks information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, or immunity. Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found. If such information is discovered and subject to the objections set forth above, the Company will supplement this response.

22. In a July 24, 2019 response to an EPA information request, The J.M. Smucker Company indicated that H.J. Heinz Company may have sold Star-Kist Caribe, Inc. at some point before June 12, 2002. Please indicate whether H.J. Heinz Company

sold Star-Kist Caribe, Inc., explain the circumstances surrounding the sale, and provide all supporting documentation of the sale.

RESPONSE: The Company objects to this Request to the extent it includes factually inaccurate information. Without waiving said objection, please see response to Request No. 25 below.

23. In the aforementioned July 24, 2019 response, The J.M. Smucker Company also stated that Del Monte Foods Company acquired certain assets from H.J. Heinz Company through a separation agreement and an agreement and plan of merger, dated June 12, 2002. Please identify the assets and liabilities (including those of Star-Kist Caribe, Inc. and/or Star-Kist Foods, Inc.) transferred from H.J. Heinz Company to Del Monte Foods Company pursuant to these agreements, and provide all supporting documentation.

RESPONSE: The Company objects to this Request to the extent it includes factually inaccurate information. In response to this Request, in December 2002, Star-Kist Foods merged into SK Two, LLC, with SK Two, LLC being the surviving company. Subsequently, SK II merged into DLM Foods LLC, with DLM Foods, LLC being the surviving company. SKF Foods, Inc. was the sole member of DLM Foods LLC. H.J. Heinz, SKF Foods, LLC, Del Monte Foods Company and Del Monte Corporation entered into an Agreement and Plan of Merger dated June 12, 2002. Pursuant to this Agreement, SKF Foods, Inc. merged with Del Monte Foods Company, with the surviving entity being a wholly owned subsidiary of Del Monte Corporation. Various subsidiaries of Star-Kist Foods were not included in the above mergers, including, but not limited to, Star-Kist Caribe. In short, Star-Kist Caribe, which terminated operations in 2001 and whose shares were sold to PRIDCO in 2002, was not transferred to the Del Monte entity discussed above.

24. Indicate whether the Company is the successor to any liabilities, including those under CERCLA, of Star-Kist Foods, Inc.

RESPONSE: The Company objects to this Request as vague, ambiguous, overly broad and burdensome. The Company also objects to the extent the Request seeks legal arguments or conclusions, and/or expert opinions or conclusions and/or seeks information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, or immunity. Without waiving any of the objections and limiting this Request to any potential liabilities of Star-Kist Foods regarding Star-Kist Caribe, Company responds only that, in the 2002 Stock Purchase Agreement referenced above, H.J. Heinz guaranteed the payment and/or performance of certain obligations pursuant to the express terms of said Agreement, including time limitations (which have expired).

25. Indicate whether the Company is the successor to any liabilities, including those under CERCLA, of Star-Kist Caribe, Inc.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. The Company also objects to the extent the Request seeks legal arguments or conclusions, and/or expert opinions or conclusions and/or seeks information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, or immunity. Without waiving any of the aforesaid objections and limiting this Request to any potential liabilities of Star-Kist Caribe, Company refers to its response to Request No. 25.

26. Describe how Star-Kist Caribe, Inc. came to possess the hazardous substances that came to be located at the Site.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. The Company also objects to the extent the Request assumes "hazardous substances [possessed by Star-Kist Caribe]...came to be located at the Site". Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found. If such information is discovered, the Company will supplement this response.

27. List all hazardous substances used, generated, treated, stored, disposed of, manufactured, recycled, recovered, treated, or otherwise processed during Star-Kist Caribe, Inc. operations at the Facility.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, the only information that the Company has with respect to hazardous substances "used, generated, treated, stored disposed of, manufactured, recycled, recovered, treated or otherwise processed during [Star-Kist Caribe's] operations at the facility" are set forth in (i) the May 1, 2002 Stock Purchase Agreement between StarkKist Foods Inc. and Puerto Rico Industrial Development Company; (ii) the Field Investigation Phase II Sampling Plan dated June 2001 ; (iii) Tri Data for calendar years 1991 and 1995 ;(iv) the Toxic Chemical Release Reporting Form dated 1996 and; (v) the information provided by EPA via email from Andrea Leshak to D.J. Camerson, Esq. dated February 16, 2021 which includes certain manifests and Site related documents with dates in 1984 and 1985. If additional information is discovered, the Company will supplement this response.

28. List and fully describe all waste streams generated from Star-Kist Caribe, Inc.'s operations, including solid, liquid, or any other type of waste.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, please see response to Request No. 27 which identifies the information in Company's possession that it has discovered to date that includes information regarding waste streams generated from Star-Kist Caribe's operations. If additional information is discovered, the Company will supplement this response.

29. Describe in detail the handling, storage, and disposal practices employed by the Company for each waste stream resulting from Star-Kist Caribe, Inc.'s operations.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, please see response to Request No. 27, which identifies the information in Company's possession that it has discovered to date that includes information regarding waste streams resulting from Star-Kist Caribe's operations. If additional information is discovered, the Company will supplement this response.

30. Identify all individuals who had responsibility for Star-Kist Caribe, Inc.'s environmental and waste management decisions between 1975 and 1999 (e.g., responsibility for decisions regarding the disposal, treatment, storage, recycling, or sale of Star-Kist Caribe, Inc.'s hazardous substances, hazardous wastes, and industrial wastes).
- a. Provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position, and if applicable, the date of the individual's resignation or termination.
 - b. Provide the nature of the information possessed by each such individual concerning Star-Kist Caribe, Inc.'s waste management.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found except to the extent said information is provided in the information listed in response to Request No. 27. If additional information is discovered, the Company will supplement this response.

31. For each type of hazardous substance, hazardous waste, and industrial waste used or generated by Star-Kist Caribe, Inc., describe Star-Kist Caribe, Inc.'s agreements or other arrangements for its disposal, treatment, storage, recycling, or sale.

- a. Provide any agreement and document, including waste logs, journals, manifests, or notes, related to any transfer of hazardous substances, hazardous wastes, and industrial wastes from the Facility that came to be located at the Site.
- b. Provide all correspondence and written communications between Star-Kist Caribe, Inc. and each owner/operator of the Site regarding Star-Kist Caribe, Inc.'s hazardous substances, hazardous wastes, and industrial wastes that came to be located at the Site.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, please see response to Request No. 27 which identifies the information in Company's possession that it has discovered to date that includes or may include information regarding hazardous substances, hazardous waste, and industrial waste used or generated by Star-Kist Caribe. If additional information is discovered, the Company will supplement this response.

32. Provide agreements and documents related to the following, including waste logs, journals, manifests, or notes, as set forth below:
 - a. The locations where Star-Kist Caribe, Inc. sent each type of hazardous substance, hazardous waste, and industrial waste for disposal, treatment, or recycling;
 - b. List all Waste Transporters used by Star-Kist Caribe, Inc.;
 - c. For each type of hazardous substance, hazardous waste, and industrial waste, specify which Waste Transporter picked it up;
 - d. For each type of hazardous substance, hazardous waste, and industrial waste, state how frequently each Waste Transporter picked up such waste;
 - e. For each type of hazardous substance, hazardous waste, and industrial waste, provide the volume picked up by each Waste Transporter (per week, month, or year);
 - f. For each type of hazardous substance, hazardous waste, and industrial waste, identify the dates (beginning & ending) such waste was picked up by each Waste Transporter;
 - g. Indicate the ultimate location for each type of hazardous substance, hazardous waste, and industrial waste. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of hazardous substance, hazardous waste, and industrial waste;
 - h. Describe how Star-Kist Caribe, Inc. managed pickups of each hazardous substance, hazardous waste, and industrial waste including but not limited to:
 - i. The method for inventorying each type of hazardous substance, hazardous waste, and industrial waste;

- ii. The method for requesting each type of hazardous substance, hazardous waste, and industrial waste to be picked up;
 - iii. The identity of the Waste Transporter employee/agent contacted for pickup of each type of hazardous substance, hazardous waste, and industrial waste; and
 - iv. The amount paid or the rate paid for the pickup of each type of hazardous substance, hazardous waste, and industrial waste;
- i. Identify the individual or organization that selected the location where each of Star-Kist Caribe, Inc.'s wastes were taken. Describe the basis for and provide any documents supporting the answer to this Request.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections, please see response to Request No. 27 which identifies the information in Company's possession that it has discovered to date that includes or may include information regarding hazardous substances, hazardous waste, and industrial waste used or generated by Star-Kist Caribe. If additional information is discovered, the Company will supplement this response.

33. If not already provided, specify the dates and circumstances when Star-Kist Caribe, Inc.'s hazardous substances, hazardous wastes, and/or industrial wastes were sent, brought, or moved to the Site, and identify the names, addresses, and telephone numbers of the person(s) making arrangements for the containers (e.g., 55-gallon drum, dumpster, etc.) holding hazardous substances, hazardous wastes, and/or industrial wastes to be sent, brought, or transported to the Site. Please also provide all documents that support or memorialize the answer to this Request.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections and based upon a diligent search of available records in the Company's possession, as well as the nexus documents provided by EPA referenced in response to Request No. 27, only seven (7) shipments of waste were purportedly transported to the Site from the Star-Kist Caribe Facility in 1984 and 1985. Based upon the aforementioned manifests, the waste transported to the Site from the Star-Kist Caribe's Facility consisted of liquid containing methyl isobutyl ketone (25.5%), Isopropyl Alcohol (19.5%), Xylene (53%) and Methylene Chloride (2%). The Company refers EPA to the information it provided via email from Andrea Leshak to D.J. Camerson, Esq. dated February 16, 2021 referenced in response to Request No. 27. If additional information is discovered, the Company will supplement this response.

34. Identify, describe, and provide all documents that refer or relate to the following:

- a. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all hazardous substances, hazardous wastes, and industrial wastes involved in each arrangement transferring materials from any facility owned or operated by Star-Kist Caribe, Inc. (including the Facility) to any other facility;
- b. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement for transporting materials;
- c. The hazardous substances being mixed or combined with other hazardous substances or non-hazardous substances for each such arrangement. Indicate whether such mixing or combining is common in the industry. Indicate whether Star-Kist Caribe, Inc. was ever asked to stop mixing or combining the hazardous substances with the non-hazardous substances;
- d. Other materials other than the hazardous substances that were involved in the transaction;
- e. The condition of the transferred material containing hazardous substances when it was stored, disposed of, treated, or transported for disposal or treatment;
- f. The markings on and type, condition, and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment; and
- g. All tests, analyses, analytical results, and manifests concerning each hazardous substance, hazardous waste, and industrial waste involved in each transaction. Include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.).

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections and except as provided in response to Request No. 27 above, no responsive information has been found. If additional information is discovered, the Company will supplement this response.

35. Indicate how long Star-Kist Caribe, Inc. has had a relationship with the owner(s) and/or operator(s) of the Site.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. The Company also objects to the use of the word "relationship" that, without definition, renders this Request not susceptible to a proper response. However, without waiving any of the aforesaid objections, see response to Requests No. 27 and 33 above. If additional information is discovered, the Company will supplement this response.

36. Identify any individuals, including former and current employees, who may be knowledgeable of Star-Kist Caribe, Inc.'s operations and practices concerning the handling, storage, and disposal of hazardous substances.

RESPONSE: The Company objects to this Request as overly vague, broad, and burdensome, seeking information not in the Company's possession, custody or control, or which cannot be located by a reasonably diligent search and/or seeking information concerning the activities of entities unrelated to the Company. Without waiving any of the aforesaid objections and upon a diligent search of historical records pertaining to the Request, no responsive information has been found except to the extent said information is provided in the information listed in response to Request No. 27. If additional information is discovered, the Company will supplement this response.

37. Please provide all documents, if not already requested above, that support your responses to Requests #1 - #37, above.

RESPONSE: As set forth above, the Company will provide documents responsive to the Requests that are discovered and within its possession, custody or control under separate cover.

38. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. The relevant document retention policy between 1975 and the present;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and
 - e. The names and most current address of any person(s) who may possess documents relevant to these requests for information.

RESPONSE: As set forth herein, Star-Kist Caribe's operations ceased in May 2001 and its shares sold by Star-Kist Foods to PRIDCO in 2002. Star-Kist Foods was subsequently transferred in 2002 as described in response to Request No. 23 above. H.J. Heinz was the parent company of Star-Kist Foods who was the parent company of Star-Kist Caribe. Despite its diligent search of records in its possession, the Company does not have any information responsive to this Request with respect to Star-Kist Caribe or Star-Kist Foods. If additional information is discovered, the Company will supplement this response.

39. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been disposed of at the Site.

RESPONSE: The Company objects to this Request as vague, ambiguous, overly broad and burdensome. The Company also objects to the extent the Request seeks legal arguments or conclusions, and/or expert opinions or conclusions and/or seeks information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, or immunity. Without waiving any of the aforesaid objections, the Company is currently seeking information responsive to this Request. If such information is discovered, the Company will supplement this response.

40. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, the claim number, the date of claim, the amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and recipient of any payment made on the claim.

RESPONSE: Without admitting the existence of any such claim or claims and/or any loss or damage related to operation at the Site, or any responsibility, obligation or liability, the Company has not made any claim or claims to any insurance company for any loss or damage related to operations at the Site. If additional information is discovered, the Company will supplement this response.

41. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

RESPONSE: The Company is currently not aware of other persons that could provide any additional information related to the Requests herein. If additional information is discovered, the Company will supplement this response

42. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether each such person has personal knowledge of the information in the answers provided.

RESPONSE: The Company objects to the extent that this Request seeks information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, or immunity. However, without waiving the aforementioned objections, the Company states that attorneys with Bressler, Amery & Ross, P.C. in conjunction with the Company's in-house counsel and other staff have been involved in preparing responses to these Requests.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of _____

County/Municipality of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

BRIAN SHUTTLEWORTH
NAME (print or type)

HEAD US ZONE ORM
TITLE (print or type)

B. Shuttleworth
SIGNATURE

Sworn to before me this

____ day of _____ 2020.

Notary Public